

PS-10.08, "Inmate Correspondence Privileges"

SCDC POLICY/PROCEDURE

Change 1 to PS-10.08: 5.5.6; 7.1.1

NUMBER: PS-10.08

TITLE: INMATE CORRESPONDENCE PRIVILEGES

ISSUE DATE: MAY 1, 2013

RESPONSIBLE AUTHORITY: OFFICE OF GENERAL COUNSEL

OPERATIONS MANUAL: PROGRAMS AND SERVICES

SUPERSEDES: PS-10.08 Change 2 (May 24, 2012); Change 1 (October 9, 2008); (May 1, 2008); (January 1, 2005)

RELEVANT SCDC FORMS/SUPPLIES: 10-6, 10-7, 10-11, 10-12, 10-13, 10-14, 15-15, 19-11, 19-45,

ACA/CAC STANDARDS: 4-ACRS-6A-01, 4-ACRS-6A-02, 4-ACRS-6A-06, 4-ACRS-6A-07, 4-ACRS-6A-08, 4-ACRS-7F-03, 4-4266, 4-4274, 4-4275, 4-4279, 4-4280, 4-4285, 4-4487, 4-4492, through 4-4496

STATE/FEDERAL STATUTES: MONTCALM PUB. CORP. v. BECK, 80 F.3d 105 (4th Cir. 1996).

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PURPOSE: To provide guidelines for incoming and outgoing inmate correspondence.

POLICY STATEMENT: The South Carolina Department of Corrections recognizes the importance of an inmate's desire to correspond with family members, attorneys, and others. To this end, the SCDC will not place a limit on the quantity of mail an inmate may send (provided the cost is borne by the inmate) or receive or the length, language, content, or source of mail except where there is reasonable belief that the limitation is necessary to protect public safety, institutional order, or security. Inmate correspondence privileges will be administered in accordance with all applicable

Agency policies/procedures, American Correctional Association Standards, and state and federal statutes.

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SPECIFIC PROCEDURES:

1. RESPONSIBLE AUTHORITY:

1.1 The Agency's Mailroom Coordinator, assigned to the Office of General Counsel, will be responsible for monitoring the operations of all SCDC mailrooms and for ensuring adherence to the inmate correspondence procedures.

1.2 The Agency's Mailroom Coordinator, the institutional Mailroom Coordinator and appropriate Warden(s) will be responsible for ensuring that the information regarding inmate correspondence that is provided to newly admitted inmates upon their arrival at the Reception and Evaluation Centers is in accordance with SCDC Policy PS-10.08, "Inmate Correspondence Privileges." (4-4285)

2. INSTITUTIONAL MAILROOMS: Each institution will maintain a mailroom or designated area for sending, receiving, and distributing inmate mail. The Postal Director/Mailroom Supervisor, and/or one (1) or more employees designated by the Warden (for those institutions that do not have postal positions), will oversee the processing of all incoming and outgoing inmate mail. (4-ACRS-6A-07, 4-4487)

2.1 Employees who are responsible for the inmate mail will ensure that all mail is inspected, stored, processed, delivered, and handled in a secure manner to prevent theft, tampering, delay, or other interference.

2.2 Inmates and unauthorized employees will be prohibited from entering institutional mailrooms/areas. However, inmate workers under constant supervision may be allowed in the mailroom to perform custodial duties or to assist in lifting heavy items. No inmate worker will be assigned to work/stay in the mailroom.

2.3 Each Warden/Designee will ensure that a sufficient number of locked mailboxes are placed throughout the institution and living units/areas accessible to general population inmates. The Postal Director/Designee will be responsible for collecting mail from these boxes at least once daily (excluding weekends and holidays).

2.4 Each Warden/Designee will ensure that a minimum of one (1) locked mailbox is placed in the Reception and Evaluation Unit (R&E), the Special Management Unit (SMU), the Maximum Security Unit (MSU), Death Row, Safekeeper, and Young Offender Units. The Postal Director/Designee will be responsible for collecting mail from these boxes at least once daily (excluding weekends and holidays).

3. OPERATIONAL HOURS: All SCDC mailrooms will be operational Monday through Friday for a total of 37.50 to 40 hours (excluding weekends, holidays, emergencies). Access to the mailroom for the general

population will be in accordance with the institutional controlled movement schedule with the exception of legal mail. Inmates will be allowed daily access to the mailroom for the purpose of sending and receiving legal correspondence during the operational hours of the mailroom. Inmates housed in areas such as R&E, any SMU, MSU, Death Row, Safekeeper, and YOIP Units will be notified by the Warden/Designee in writing of the scheduled times when mail will be picked up and delivered to these areas by the Postal Director/Designee.

4. MAILING SUPPLIES:

4.1 Non-indigent Inmates:

4.1.1 Inmates with funds in his/her E.H. Cooper account, regardless of custody status, will be required to purchase mailing supplies (e.g., embossed postage envelopes, packing materials, writing materials, etc.) through their institutional canteen or through the use of SCDC Form 10-14, "Agreement to Debit E.H. Cooper Account." If additional postage is needed, it can be obtained through the Postal Director/Designee. (NOTE: Exceptions to section 4.1.1 are inmates housed in SMU, who will only be issued the indigent hygiene packet, and will not be provided with any additional general mailing supplies.)(NOTE: Embossed postage envelopes can not be altered.)

4.1.2 Should a non-indigent inmate deplete his/her account or not have sufficient funds to cover the expense of his/her general correspondence, the inmate will not be able to receive additional supplies until s/he either (1) receives sufficient funds or (2) is declared indigent, at which time the procedures applicable to indigent inmates will apply.

4.2 Indigent Inmates:

4.2.1 All indigent inmates, regardless of custody status, will be provided with one (1) pencil (which will be exchanged for a new pencil when it wears out), eight (8) sheets of paper, and two (2) date-stamped envelopes on a monthly basis to be used for sending mail not weighing more than one (1) ounce per envelope. Indigent inmates will be allowed to exchange a current date-stamped envelope for postage to be placed on another envelope (i.e., a greeting card provided by the Chaplain). The inmate's account will not be debited for these supplies.

4.2.2 The materials will be a part of a hygiene pack that will be issued to authorized indigent inmates on a monthly basis. An indigent inmate's account will not be debited for the postage affixed to the date-stamped envelope.

4.2.3 Inmates will be permitted to use these materials for general, legal, or privileged correspondence; however, the limit given for general correspondence will not be increased. No hand-made envelopes will be allowed to be used to send mail outside of the institution. (4-ACRS-6A-06, 4-4489)

4.2.4 Additional first class postage will be given to inmates who lack sufficient funds to send mail to a court, an attorney, or a party to a lawsuit upon proof of pending or formally initiating litigation. The cost of

the postage will be charged to the inmate as restitution through the use of SCDC Form 10-14. Postage shall be given to inmates on indigent status pursuant to this paragraph only after the inmate has used all postage available pursuant to Paragraph 4.2.1.

4.2.5 An indigent inmate who has exhausted his/her indigence allowance and needs additional postage to send legal mail will have to prove the postage is for pending or formally initiating litigation. Proof will consist of showing the documents to the reviewing staff member who will be looking for court docket numbers, Captions, and other evidence or indications that the inmate is involved in pending litigation or is formally initiating litigation. NOTE: In such cases, staff shall read only those sections of the mail necessary to make this determination; the mail shall not be read in its entirety and shall be read/scanned in the inmate's presence. Employees will be provided training on this determination by the Office of General Counsel. If requested information is not provided or an inmate refuses to show mail to staff reviewing mail, the letter(s) will not be processed. This also applies to non-indigent inmates who have no funds available in their account.

4.3 Writing Tools (Materials):

4.3.1 Inmates will be permitted to use only writing tools (materials) issued by the commissary, sold in the canteen or provided to the inmates in the pre-approved Christmas packages. (NOTE: Inmates assigned to the approved Hobby Craft Program will be allowed to use their writing tools (materials) for the Hobby Craft Program only, and cannot utilize them for writing general correspondence.)

NOTE: The receipt of correspondence or mailing supplies by any other means will be considered a violation of Agency rules and regulations, and inmates may be charged in accordance with SCDC Policy OP-22.14, "Inmate Disciplinary System." Exceptions to this are listed in Section 6.1.5.

5. INCOMING MAIL/CORRESPONDENCE:

5.1 Delivery: All incoming mail will be delivered to the mailroom or designated area for processing. SCDC's goal is to distribute letters to inmates within 48 hours of receipt, and packages within seven (7) days of receipt (excluding weekends and holidays) provided they are not rejected or withheld for investigation/review. (4-4495)

5.2 Address Requirements: If mail is received in the mailroom that is not clearly addressed the Postal Director/Designee will make every effort to determine the correct address for delivery to the inmate. When mail is received continuously incorrectly addressed, the inmate will be advised to notify the sender of his/her correct address. After 60 days, the incorrectly addressed mail will be stamped "Return to Sender, Undeliverable," and returned to the U. S. Post Office. (NOTE: No SCDC Form 10-7, "Notice Of Rejected Incoming/Outgoing Correspondence," is required.) The following are requirements for incoming and outgoing mail:

5.2.1 All incoming mail must have the name of the sender, as well as a complete return address in the upper left hand corner of the envelope/package. NOTE: If no return address is provided, the mail will be returned to the U.S. Post Office;

5.2.2 All incoming mail to an inmate must be clearly marked with the inmate's committed name, SCDC number, full name of the correctional institution, unit name/number, wing, and cell number, street or post office box, city, state and zip code;

5.2.3 Any mail received in the mailroom (incoming/outgoing) with excessive unnecessary markings and/or symbols on the envelope/package will be stamped "Return to Sender," and returned.

5.3 Special Delivery Mail: Employees will be permitted to sign for certified mail and commercial delivery mail (UPS, Fed-Ex, etc.) that is addressed to an inmate. Employees must check to ensure that the inmate is still assigned to the institution prior to accepting the delivery. (NOTE: If the employee, other than mailroom personnel, does not have access to the automated Offender Management System, s/he must contact the mailroom immediately prior to accepting the delivery to advise the Postal Director/Designee of the delivery. No collect on delivery (C.O.D.) mail will be accepted. All C.O.D. mail addressed to inmates which is received by mailroom employees will be stamped "Return to Sender" and will be returned to the U.S. Post Office.

5.4 Mail Returned by the U.S. Post Office: Mail returned to SCDC by the U.S. Post Office will be treated the same as all other incoming mail.

5.5 Authorized Correspondence: Inmates will be permitted to receive the following through the mail:

5.5.1 Newspaper/magazine clippings/crossword puzzle pages or information printed from the Internet (except for information from SCDC's website; see paragraph 6.1.1) - up to five (5) per envelope, provided that the contents do not depict questionable material. If an excessive number of copies are received, the entire correspondence will be returned per Paragraph Six (6) below. However, if the inmate can demonstrate that the excessive material is supportive documentation as it relates to accessing the courts, an inmate may have it for the purpose of his/her legal defense/claim, provided that the contents do not depict questionable material. (NOTE: Inmates in SMU will not be allowed to receive newspaper/magazine clippings/crossword puzzle pages or information printed from the Internet mailed in while they are housed in SMU, per SCDC Policy OP-22.12, "Special Management Unit ."

5.5.2 Audio CDs of his/her own parole hearing through the mail provided that they are sent directly from the Department of Probation, Parole, and Pardon Services. These audio CDs will be considered legal material and will be governed in accordance with SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property." (NOTE: If an inmate needs to listen to his/her parole hearing CD to prepare an appeal of the parole board's decision, the inmate will be provided one (1) opportunity to hear the CD.)

5.5.3 A video, DVD, or an audio CD of his/her court hearing through the mail provided that it is sent directly from the court or the attorney of record for the inmate's review, if approved in advance by the Office of General Counsel. These items will be considered legal material and will be governed in accordance with SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property." (NOTE: Inmates will not have access to a computer to print or view any legal material from a compact disk.)

5.5.4 Religious audio-cassette tapes or compact discs will be forwarded to the institutional Chaplain for review and/or approval. A video or a DVD of an immediate family member's funeral may be sent to the Institutional Chaplain for the inmate to view. Arrangements to view the video/DVD will be made through the Chaplain's office. The inmate will not be able to retain the video/DVD after he/she has viewed it. It will be mailed out at the inmate's expense or disposed of as outlined in SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property."

5.5.5 Inmates will be permitted to receive one (1) calendar (8 ½"x 10" or smaller), provided that the calendar does not have any plastic or metal holders and the contents do not depict any questionable material. If an unauthorized calendar is received, the entire correspondence will be returned per Paragraph Six (6) below. (NOTE: Inmates will not be allowed to have daily planners.)

5.5.6 Authorized photographs (8"x10" in size or smaller) will be allowed, provided that none of them are sexually oriented, as outlined in paragraph 6.1.6. Polaroid pictures will be allowed provided the entire backing is removed. All photographs will be subject to the limitations in SCDC Policies OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property," and OP-22.16, "Death Row."

(Note: Inmates in SMURHU will not be allowed to receive photographs mailed in while they are housed in SMURHU, per SCDC Policy ~~OP-22.12, "Special Management Unit."~~OP-22.38, Restrictive Housing Unit.") Unauthorized photographs depicting an inmate in an SCDC facility, on SCDC property, or outside SCDC property while on authorized leave, a work crew, or work release, shall be considered contraband and will be withheld pursuant to applicable SCDC policies and procedures. (Changes in BLUE are amended by Change 1 to PS-10.08, dated June 4, 2015.)

5.5.7 Government checks and other approved checks (insurance claim settlement, legal settlement, vendor refunds for purchases paid by Cooper Trust check, etc. will be accepted for deposit to the inmate's E.H. Cooper Trust Account. (Refer to SCDC Policy ADM-15.12, "E.H. Cooper Trust Fund," for additional information).

5.5.8 Hobbycraft supplies from a recognized commercial vendor will be authorized pursuant to SCDC Policy PS-10.06, "Inmate Hobbycraft Program." When a package with hobbycraft supplies is received in the mailroom, the Postal Director/Designee will forward the package to the Property Control Officer who will advise the Hobbycraft Coordinator. The Hobbycraft Coordinator and the Property Control Officer will open and inspect the package. The package will be taken to the Hobbycraft Room by the Hobbycraft Coordinator. The Hobbycraft Coordinator will notify the inmate that their hobbycraft package has arrived. (4-ACRS-6A-08, 4-4493)

5.5.9 Job specific clothing (e.g., clothing and shoes necessary to be worn for purposes of their job) for inmates participating in a Community Work Program: These packages will be forwarded to the Property Control Officer for processing in accordance with SCDC Policy OP-22.03. Should an inmate receive any

item(s) that causes him/her to exceed any authorized limits of the same, the inmate will be given the option to mail the excess item(s) home at his/her expense, donate them to charity, or dispose of such items.

6. UNAUTHORIZED CORRESPONDENCE:

6.1 It is the inmate's responsibility to inform his/her correspondents of all Agency policies/procedures regarding unauthorized property. Inmates will be prohibited from receiving the following through the mail:

6.1.1 Any printed information from the South Carolina Department of Corrections' or any other correctional/penal institutional internet website, to include pictures, regardless of the subject matter.

6.1.2 Cash. The entire contents of the correspondence will be returned to the sender within five (5) working days, provided there is no attempt to conceal the cash. Mailroom employees will make a copy of the currency (copies of currency must be less than or greater than 1 times the actual size). The copy of the currency, along with a copy of SCDC Forms 10-7 and 10-14 will be maintained in the institution. (NOTE: Refer to the SCDC Intranet site for the retention schedule for the 10-7 and 10-14). If there is an attempt to conceal the cash within the correspondence, the entire piece of mail will be submitted to the Contraband Control Officer for disposition pursuant to SCDC Policy OP-22.35, "Contraband Control." SCDC Form 10-7 will be completed documenting that the cash has been submitted to the Contraband Control Office and the 10-7 will be signed and distributed.

6.1.3 Personal or blank checks, checkbooks, pre-paid phone cards, postage stamps, green dot cards or green dot numbers, other negotiable instruments or any publications that have not been paid for in advance, i.e., an invoice for payment is attached.

6.1.4 Any money orders sent directly to the inmate, with the exception of inmates in the Reception and Evaluation Centers within their first 30 days of incarceration. Money orders sent to R&E inmates within the first 30 days of incarceration will be deposited to his/her E.H. Cooper Trust Account. After the inmate has endorsed it, the inmate will be provided a copy of the SCDC Form 15-15, "E. H. Cooper Trust Fund," receipt. The inmate will receive the remaining correspondence. (NOTE: Money orders sent to inmates in general population, SMU, Death Row, Safekeeper, YOIP and R&E inmates [still housed after 30 days] must be returned to the sender even if the inmate does not have sufficient funds. These money orders must not be disposed of in any other manner.)

6.1.5 Embossed, or "no postage necessary" envelopes unless they are from the following:

- SCDC;
- Self-addressed envelopes from the inmate's Attorney of Record or any attorney for whom the inmate can demonstrate that an attorney/client relationship exists;
- Self addressed envelopes from a state or federal court;
- Recognized religious organizations (see SCDC Policy PS-10.05, "Inmate Religion," for information regarding recognized religions); or
- Self-addressed publication subscription renewal, regardless of the inmate's security level.

6.1.6 Nude or sexually explicit/suggestive photographs (original prints or copies). Nude, as used in this paragraph, means any depiction in a state of undress to expose the female breast and/or pubic area, the male genital area, and/or any female or male buttocks, as well as any depiction of a child's genitals. This includes the exposure in sheer or see-through covering. (If the photograph is at all questionable, the correspondence will be forwarded to the Correspondence Review Committee, per paragraph 20 below, for review.)

6.1.7 Tattoo magazines, and/or any items deemed to be tattoo paraphernalia. (See SCDC Policy OP-22.35, "Contraband Control.")

6.1.8 Any musical/audible greeting cards, any greeting card larger than 8" x 10" in size, blank greeting cards, greeting cards with glitter, or correspondence with arts and craft material/glitter, blank envelopes, pre-printed address labels (for use by the inmate), blank paper, carbon paper (except in authorized forms -- if the carbon paper from the form is removed and used for something else, it is considered contraband), and any other writing materials, to include stickers, unless exceptions are approved by the Agency Director and are posted during specified holidays.

The entire contents of any correspondence containing unauthorized items referenced in paragraphs 6.1.1 through 6.1.8 above, will be returned to the sender at the inmate's expense with a copy of SCDC Form 10-7, or the inmate may choose to provide written permission, utilizing SCDC Form 10-6, "Notice to Withhold Incoming/Outgoing Correspondence," to the mailroom within ten (10) calendar days of receipt of the SCDC Form 10-7 to have the unauthorized correspondence processed pursuant to SCDC Policies OP-22.03, "Authorized Inmate Property," and OP-22.35, "Contraband Control." After the mailroom has received the written permission, the inmate will be allowed to receive the remaining authorized correspondence. If returned to the sender, the inmate's E.H. Cooper account will be debited for the cost of returning the item using SCDC Form 10-14, "Agreement to Debit E.H. Cooper Account" (which does not require the inmate's signature). If there are insufficient funds in the inmate's Cooper Account to cover the cost, the inmate will be advised on SCDC Form 10-7 and given 30 days to cover the cost. If sufficient funds are not available within 30 days, the entire correspondence will be processed pursuant to SCDC Policies, OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property," and OP-22.35, "Contraband Control." (4-ACRS-6A-08, 4-4491, 4-4493)

Unauthorized items referenced in paragraphs 6.1.9 through 6.1.12, below will be considered contraband and the entire contents processed pursuant to SCDC Policy OP-22.03. A SCDC Form 10-7 will be sent to the inmate advising him/her of the receipt and disposition of the unauthorized items.

6.1.9 Anything to eat, drink, or smoke, any appliances, and any hygiene items.

6.1.10 "Bill me later," free gift transactions, or any solicitation materials (NOTE: The solicitation issue does not pertain to incoming catalogs, that do not have questionable contents and are appropriately addressed to the inmate.) (NOTE: "Bill me later," free gift transactions, or any solicitation materials may not be sent or received.)

6.1.11 Any correspondence/envelopes with perfume/cologne/body spray/oils, lipstick, or body secretions.

6.1.12 Any correspondence that is laminated/covered in plastic, or contains any magnets.

6.1.13 Inmates will be prohibited from maintaining possession of any financial statements that show a balance of funds and/or provide information on financial assets that may be available to the inmate (bank deposit books; checking, savings, or other fund statements, credit reports, except for E. H. Cooper statements, and year-end statements for the purpose of filing tax returns, etc.). When statements, other than year-end, are received in the mailroom, general population inmates will be sent an SCDC Form 19-45, "Order to Report," to review the statement at the mailroom window. The Postal Director/Designee will be responsible for delivery to inmates in R&E, SMU, MSU, Death Row, Safekeeper, and YOIP and for allowing each inmate to review his/her statement in the presence of the mailroom employee/designee. After review, the statement may be forwarded at the inmate's expense to an address provided by the inmate or processed pursuant to SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property."

6.1.14 Inmates will not be allowed to maintain possession of any Internal Revenue Service Forms (e.g., 1040, 1040EZ, blank W-2 forms, etc.) and instructions, State income tax forms and instructions, and completed W-2 forms from employers. Correspondence which contains such items will be held at the mailroom and the inmate will be sent an SCDC Form 19-45, "Order to Report." The inmate may take any of the following actions in order to fulfill his/her responsibility to file an income tax return:

- The inmate may mail the W-2 (at his/her expense) to a family member or friend on his/her visiting list;
- The inmate may request assistance in preparing his/her tax return by sending an SCDC Form 19-11, "Request to Staff Member," to the mailroom. The Warden/Designee will coordinate with the Office of General Counsel and the local Volunteer Income Tax Assistance office to assist inmates with the preparation of the income tax return;
- The income tax assistance volunteers prepare the tax forms electronically.
- If a completed income tax return is received in the mail, the inmate may review the return, sign it, and send it back to the sender. The inmate will not be allowed to take the return from the mailroom; or
- If a W-2 is received in the mailroom and the inmate who it is addressed to makes no request for disposition, the W-2 will be returned to the sender after the tax deadline of April 15th.

6.1.15 Inmates will be prohibited from receiving any type of personal identification/documents (or copies thereof) such as driver's license, identification cards, birth/marriage certificates, Military Discharge Form DD214, diplomas and/or other similar documents. If these documents are received in the mail, the mailroom employee will forward them for inclusion in the inmate's institutional record. Inmates will be permitted to receive the remainder of the correspondence with a completed SCDC Form 10-7, identifying the document(s) removed and noting that it has been forwarded for inclusion in his/her institutional record. (NOTE: The Classification Casemanager/Designee will sign the Canary [mailroom] copy of the SCDC Form 10-7 showing receipt of the documents).

7. INSPECTING/READING/SCANNING INCOMING/OUTGOING CORRESPONDENCE:

7.1 All outgoing general correspondence must be sent to the mailroom unsealed. Any general mail received in a sealed condition shall be returned to the inmate. Outgoing legal mail may be sent to the mailroom sealed. All incoming general and certified correspondence (provided it is not legal/privileged) will be opened and inspected by mailroom employees for unauthorized property items/contraband prior to delivery to the inmate. The employee will ensure that the inmate addressee is at the receiving institution prior to opening the mail. (NOTE: Mailroom staff must ensure that all metal fasteners [e.g., paper clips, staples, etc.] are removed from all incoming mail addressed to inmates housed in any SMU, MSU, Death Row or Safekeeper status. Opened mail is to be resealed with tape.)

7.1.1 All outgoing privileged mail to the Director of SCDC must be sealed in front of the mailroom staff. The mailroom staff will inspect the envelope but not read/scan the contents. (Section 7.1.1 added by Change 1 to PS-10.08, dated June 4, 2015.)

7.2 All incoming legal and privileged mail will be opened and inspected in the presence of the inmate by mailroom staff or their designee. Legal or privileged mail may be scanned/read when approved in advance, in writing by the Warden or higher Operational Authority, the Inspector General, or the General Counsel, based upon previous abuse of mail privileges or other good cause. The mail will be read/scanned in the presence of the inmate. NOTE: Questionable legal/privileged mail will be forwarded to the CRC for disposition. However, the inmate may choose to provide written permission utilizing SCDC Form 10-6, "Notice to Withhold Incoming/Outgoing Correspondence," that the unauthorized portion of the mail be removed and disposed of in accordance with SCDC Policies OP-22.03, "Authorized Inmate Property," and OP-22.35, "Contraband Control." After the mailroom has received the written permission, the inmate will be allowed to receive the remaining authorized correspondence.

7.3 Any non-legal or non-privileged mail, to include mail written in a foreign language may be read/scanned when the Warden/Designee or higher Operational Authority or the Inspector General has reason to believe that the correspondence may contain material that interferes with legitimate penological objectives, i.e., the safety, security, or order of the institution. (4-ACRS-6A-08, 4-4491, 4-4492, 4-4493, 4-4494)

7.4 Subject to the requirements of paragraphs 7.2 and 7.3 above, the following personnel may be authorized to read/scan inmate mail:

- The Warden or higher Operational Authority,
- Associate Warden,
- Major,
- STG Coordinator,
- Investigators,
- Foreign Language Advisor
- Correspondence Review Committee,
- General Counsel or designee, and
- Inspector General or designee.

7.5 Envelopes or external packaging may contain only the information allowed by paragraph 5.2.

7.6 All incoming and outgoing mail/packages in the following categories will be forwarded to the Institutional STG Officer or Investigator for reading/scanning:

7.6.1 All mail/packages containing any gang related markings or other unknown or unnecessary symbols. (See paragraphs 5.2 and 14.1 for more information).

7.6.2 All non-legal, non-privileged mail/packages going to or from an inmate belonging to a Security Threat Group.

7.6.3 Photographs that have missing parts or have been altered with an ink pen/pencil or white-out.

7.6.4 If further review or action is necessary, the correspondence will be sent to the Correspondence Review Committee. (See SCDC Policy OP-21.01, "Security Threat Group," for more information.)

7.7 Incoming packages will be forwarded to the Property Control Officer who will document receipt of all packages using SCDC Form 10-11, "Incoming Package Delivery Log." The Log will be maintained by the Property Control Officer.(NOTE: Refer to the SCDC Intranet site for the retention schedule for the 10-11). Mailroom staff will check SCDC Form 10-11 on a monthly basis to ensure that it is properly completed.

7.8 If an inmate's incoming/outgoing correspondence is rejected for delivery or sending out, the Postal Director/Designee will advise the inmate within 72 hours, excluding weekends and holidays, using SCDC Form 10-7. The reason for rejecting the mail will be indicated on the form. A copy of the form will be available to the Warden/Designee.

8.DELIVERY OF INCOMING MAIL:

8.1 The Postal Director/Designee will, on a daily basis, (excluding weekends,holidays, and emergencies) deliver incoming general mail to each living unit/area. An officer/employee assigned to the unit will then be responsible for distributing the mail to the inmates, either through "mail call" by dorm/unit or by designating a location within the unit/area for the inmates to pick up their mail. Mail will not be left unattended under any circumstances. (4-4266)

8.2 Pre-Release and Work Centers: All correspondence for these inmates will be received in the administrative area. Inmates will, on a daily basis (excluding weekends, holidays and emergencies), be permitted to pick up their mail as they return to the Center from work.

8.3 Legal, Privileged, and Certified Mail: The Postal Director/Designee will be responsible for date-stamping and documenting all incoming legal, privileged, and certified correspondence on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log." The disposition of such mail (e.g., inmate picked up mail, inmate refused mail - returned to sender, inmate released from the SCDC-mail forwarded, etc.) must be documented on the Legal/Privileged/Certified Mail Delivery Log. The "Legal/Privileged/Certified Mail Delivery Log" will be maintained by the Postal Director/Designee for six (6) years. The Postal Director will be responsible for verifying the identity of the inmate by his/her SCDC identification card prior to delivering the mail. Legal, privileged, and certified mail will be distributed to inmates as follows: (4-ACRS-6A-02, 4-ACRS-6A-01,4-4275, 4-4276, 4-4280)

8.3.1 General population inmates will be notified on SCDC Form 19-45, "Order to Report," when any legal, privileged, or certified mail has been received. SCDC Form 19-45, "Order to Report," will be delivered to the inmate at the same time the general mail is delivered to the unit, but no later than 48 hours after receipt of the mail at the institution (excluding weekends, holidays and emergencies). (NOTE: The Postal Director/Designee will keep one [1] copy of the "Order to Report" with the incoming legal, privileged, or certified mail until the inmate comes to the mailroom to pick up his/her mail.) If the mail is unclaimed after five (5) working days and if the inmate is still at the institution, a second "Order to Report" will be sent to the inmate. If still unclaimed after five (5) working days of the second "Order to Report" the mail will be marked "Unclaimed - Return to Sender" and it will be mailed to the Post Office. NOTE: The inmate will be required to sign SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," acknowledging the mail was inspected in his/her presence before he/she received it. If the inmate fails to report to the mailroom and the mail is unclaimed, the log will be documented in the inmate signature block as "Unclaimed, Return to Sender" and it will be returned to the Post Office. The log will be signed by the Postal Director/designee.

8.3.2 SMU, MSU, R&E, Death Row, Safekeeper, and YOIP inmates' legal, privileged, or certified mail will be delivered by the Postal Director/designee and the inmate will be required to sign SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," acknowledging the mail was inspected in his/her presence before he/she received it. (NOTE: Should a staff member encounter any behavioral problems with an inmate assigned to MSU, refer to SCDC Policy OP-22.11, "Maximum Security Unit (MSU)" for additional information.

8.3.3 Pre-Release and Work Center inmates' legal, privileged, or certified mail will be delivered at the same time as their general mail. The officer on duty will be responsible for ensuring the inmate will sign SCDC Form 10-12 acknowledging the mail was inspected in his/her presence before he/she received it.

8.3.4 If an inmate refuses to acknowledge receipt/delivery of legal, privileged, or certified mail, the refusal will be documented on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log." The log will be signed and witnessed by two (2) employees. The correspondence will be stamped "Return to Sender, Refused" and will then be returned to the U.S. Post Office.

8.3.5 If an inmate is on Crisis Intervention, the mailroom staff will check with medical on a daily basis to assess whether the inmate can receive his legal mail. If the inmate is going to be on Crisis Intervention more than ten (10) days, General Counsel should be contacted for further instructions.

9. PUBLICATIONS:

9.1 Inmates may receive single copies of publications from a publisher or publications supplier, to include bookstores, if paid for in advance by the inmate or by a family member or friend. Publications must be sent directly to the inmate from a publisher or publications supplier (to include bookstores). A legitimate invoice on business stationary/letterhead must be enclosed with the publication(s). (Note: Inmates in an Intake status or SMU may not receive any publications, to include newspapers and magazines, while they are housed in an Intake status or SMU, per SCDC Policy OP-22.12, "Special Management Unit.) Publications will be disposed of as outlined in SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition.")

9.2 All shipments must be clearly addressed with the inmate's committed name, SCDC number, unit/room/wing, full name of institution, street or post office box, state, and zip code. If a shipment is received at the institution without a complete address, the inmate will be advised to notify the sender of his/her correct address. If the address is not corrected within 60 days, the shipment will be stamped, "Return to Sender, Undeliverable," and returned. The Mailroom will maintain a record of the inmate being notified. These procedures will also apply when an inmate is moved from one unit to another.

9.3 An inmate will only be allowed to have in his/her possession the amount of publications authorized by SCDC Policy OP-22.03, "Authorized Inmate Property and Unauthorized Property Disposition." (NOTE: Authorized amounts may differ for inmates housed in the Reception and Evaluation Unit, any Special Management Unit (SMU), Death Row, Safekeeper Unit, Youthful Offender Intensification Program, or the Maximum Security Unit (MSU). Refer to Agency policies specific to these Units for more information.) (4-4490)

9.4 All publications will be read/scanned by mailroom staff prior to being delivered to any inmate. Only publications that are questionable in nature will be referred to the Correspondence Review Committee. Disapproved publications will be handled the same as Unauthorized Correspondence, paragraphs 6.1.1. through 6.1.6. (4-ACRS-6A-08, 4-4491)

9.5 Correspondence Review Committee (CRC) Responsibilities:

9.5.1 The CRC support staff will notify the inmate that the publication has been disapproved.

9.5.2 The CRC support staff will notify the publisher of the CRC decision to disapprove the publication for the inmate's possession.

9.5.3 Notification to the publisher is not required when:

9.5.3.1 The publisher is located in a foreign country, and does not have offices in the United States.

9.5.3.2 If the publication was not disapproved.

9.6 Appeals of Publication Disapprovals: When a publication is disapproved by the CRC, the publisher may appeal the CRC decision to the Deputy Director of Operations within fifteen (15) calendar days of receipt of the written notification that the publication has been disapproved. The office of the Deputy Director of Operations will provide written notification to the publisher of the final decision within ten (10) days of that decision.

10. FORWARDING PACKAGES/MAIL: Packages, general, legal, privileged, and certified mail will be forwarded as follows:

10.1 Permanent Transfers: When any package, general, legal, privileged, and/or certified mail is received at an institution and the inmate to whom it is addressed has permanently transferred to another SCDC institution, the package/mail will be forwarded to the inmate's current location through the SCDC interdepartmental mail system. If inadvertently opened, the envelope will be taped closed and forwarded to the appropriate institution through the interdepartmental mail system.

10.2 "Temporary" Inmate Movement (court appearance, medical appointment, etc.): Legal, privileged, or certified mail/package received for the inmate will be held up to 72 hours at the inmate's permanently assigned institution when an inmate is temporarily transferred. Any package or general mail received for the inmate will be held up to seven (7) days in the mailroom at the inmate's permanently assigned institution when an inmate is temporarily transferred. If it is determined that the inmate will not return to the institution within 72 hours or within seven (7) days, the inmate's package/mail will:

10.2.1 If inmate is within the SCDC, be forwarded to the inmate's current location using the interdepartmental mail system; or

10.2.2 If inmate is outside the SCDC's jurisdiction, the inmate's package, general, legal, certified mail, and privileged mail will be stamped "Forward To" and the inmate's current address will be written on the front of the envelope, the bar-code will be scratched out, and the package/mail will be returned unopened to the U.S. Postal Service for forwarding to the inmate.

(NOTE: If the letter was opened and inspected, it will be placed in a new envelope and affixed with new postage prior to forwarding.)

All other classes of general mail will be stamped "Return to Sender, Unable to Forward" and returned to the U.S. Postal Service.

10.3 Inmates Released from the SCDC: Inmates will be responsible for informing their correspondents of a change of mailing address. An inmate who is being released from SCDC custody should provide, on his/her own initiative, a forwarding address using SCDC Form 10-13, "Change of Address Request." This form will be made available in all institutional mailrooms. If a forwarding address was given, Mailroom staff will stamp first and second class mail "Forward To" and send to the forwarding address provided by the inmate for 30 days. (Mailroom staff should scratch through the old bar-code.) All other classes, and mail with no forwarding address provided, will be stamped "Return to Sender, Unable to Forward" and returned to the U.S. Post Office. After the 30 day time period, the mail will be stamped "Return to Sender, Forwarding Time Expired" and returned to the U. S. Post Office. (NOTE: If the mail is certified mail or a first class letter that was opened and inspected, it will be placed in a new envelope with the proper postage affixed, and forwarded to the new address, or returned to the U. S. Post Office with a note indicating that the inmate is no longer at the SCDC.) (4-ACRS-6A-09, 4-4496)

10.4 Deceased Inmates: All general, legal, privileged, and certified correspondence received for an inmate who is deceased will be stamped "Return to Sender, Undeliverable" and returned unopened to the U.S. Post Office.

10.5 Escaped Inmates: All general mail received for an inmate who has escaped will be opened and read/scanned by the Warden, Associate Warden, or Major. If the correspondence contains any references to the escape, it will be immediately forwarded to the institutional Investigator (or to the Division Director of Investigations or his/her designee, if there is no institutional Investigator). If the correspondence does not contain any references to the escape, it will be placed in a new envelope affixed with the proper postage, and

forwarded back to the sender. All legal and privileged mail received for an inmate who has escaped will be stamped "Return to Sender, Undeliverable" and returned unopened to the U.S. Post Office. Certified mail, provided it is not legal or privileged, will be treated as general correspondence and will be read/scanned for information concerning the escape.

11. MAIL LIMITS : There will be no limit on the quantity of mail an inmate may send (provided the cost is borne by the inmate) or receive or the length, language, content, or source of mail except where there is reasonable belief that the limitation is necessary to protect public safety, institutional order, or security. (4-4488)

11.1 Legal: Inmates will be permitted to send legal mail as needed regardless of his/her indigent status, E.H. Cooper Trust Fund account cash balance, or canteen spending limit to the following recipients:

- Officials of federal, state, and local courts - the inmate shall be required to demonstrate that s/he has an action pending in the court or that s/he is initiating an action in the court (NOTE: For indigent inmates, all pending/initiated legal actions in court must relate to challenging or appealing the inmate's sentence or to challenging the conditions of his/her confinement.)
- Attorneys (and their authorized representatives) - limited to inmate's attorney of record; attorney(s) representing the defendant in civil actions in which the inmate is a plaintiff. (An attorney/client relationship must be established by correspondence from the attorney confirming representation in a particular matter or court documents proving appointment in an on-going, not past case .) See the Definition section for more information;
- Judges of federal, state, and local courts,
- South Carolina Attorney General; or
- The SCDC Office of General Counsel, which can be sent through inter-departmental mail.
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11.1.1 An indigent inmate may send "legal mail" to any other recipient within the definition of "legal mail," however, the inmate will be required to utilize the envelopes in his/her hygiene package for this purpose.

11.2 The inmate's Cooper Trust Fund will be debited to cover the cost of all legal correspondence, to include envelopes, postage, writing instruments, and any other necessary supplies. (NOTE: Inmates without canteen privileges and inmates housed in any SMU, MSU, or Safekeeper Unit will have their accounts debited for these supplies using SCDC Form 10-14, "Agreement to Debit E.H. Cooper Account.") The Chief, Commissary Branch/Designee, will provide a price list for envelopes, writing instruments, paper, and any other necessary mailing supplies to the Agency's Mailroom Coordinator, who will ensure that the list is provided to all institutional mailrooms. The list will be updated when prices change. The institutional mailroom staff will use this list to calculate restitution amounts.

11.3 Privileged: An inmate will be authorized to send unlimited amounts of privileged correspondence provided s/he has the funds to pay for the same. An indigent inmate will be permitted to use the general mail supplies provided to him/her as indicated in Section 4., above, for the purposes of mailing privileged correspondence. (NOTE: Inmates may use SCDC Form 19-11, "Request to Staff Member," to send correspondence to any Agency employee. This form will be sent through the interdepartmental mail and does not need to be placed in an envelope. The inmate may simply write the name and location of the employee on the blank side of the form. The form may be folded and stapled or taped closed [this will be done in the presence of the inmate for those inmates who do not have access to a stapler/tape].) (4-4280)

11.4 Certified: An inmate will be permitted to send certified mail provided s/he has the funds in his/her account to pay for the same. Pursuant to South Carolina Court Rules, indigent inmates and inmates without funds in their account will only be authorized to send certified mail for summons or complaints going directly to the S. C. Attorney General's Office. If there is a problem with the delivery of certified mail, the inmate will submit a SCDC Form 19-11 to the mailroom asking for assistance. The SCDC Form 19-11 must contain all pertinent information. (4-ACRS-6A-02, 4-4274)

12. INMATE CHECK:

12.1 An inmate wishing to send money through the mail must have a check written on his/her E.H. Cooper Trust Fund account. (See SCDC Policy ADM-15.12, "E.H. Cooper Trust Fund.")

12.2 The Division Director, Director of Finance, or designee will mail the check to the payee.

12.3 The Postal Director/Mailroom Supervisor or designee will be responsible for providing inmates housed in the MSU, any SMU, Death Row, and Safekeeper Unit access to the E. H. Cooper Trust Fund in accordance with specific procedures related to the same.

13. OUTGOING PACKAGES: An inmate will be prohibited from sending packages unless it contains one of the following:

13.1 Finished hobbycraft items, or hobbycraft supplies, and materials as stipulated under SCDC Policy PS-10.06, "Inmate Hobbycraft Program."

13.2 Excess authorized property items pursuant to the requirements of SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property."

13.3 Personal electronic appliances (e.g., walkman, typewriters, etc.) authorized for possession under SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property," requiring service or repairs costing up to \$100 may be sent to a dealer or repair/service center authorized by the SCDC. Grandfathered items (boom boxes, and radios) or the new televisions may not be sent out for repair. (Note: Inmates will be required to pay for all such repairs from funds available in their E. H. Cooper Trust Fund Account prior to delivery of the item. Under no circumstances will such packages arrive at the institution C.O.D.) (NOTE: The Canteen Branch will maintain an up-to-date list of authorized repair/service centers.

The Property Control Room Officer will contact the appropriate vendor prior to shipment to determine if a service charge estimate fee is required.) Personal appliances requiring services in excess of \$100 may be mailed home at the inmate's expense. (Note: Once an appliance is mailed home, it cannot be returned to the inmate.)

13.4 The package must be provided to the Property Control Room staff unsealed so that it can be inspected for unauthorized property and so respective items can be deleted from the inmate's property inventory. The Property Control Room Officer will seal the package prior to shipping. (4-ACRS-6A-08, 4-4491, 4-4493)

13.5 The inmate must have sufficient funds in his/her account to pay for the cost of mailing the package, to include the wrapping materials (must be purchased through the canteen). The inmate's account will be debited using the debit screen or using SCDC Form 10-14, "Agreement to Debit E. H. Cooper Account."

14. RETURN ADDRESS/TIME LIMITS OF OUTGOING MAIL:

14.1 All outgoing inmate mail must be clearly marked with the inmate's committed name, SCDC number, living unit/room/wing, full name of the correctional institution, street or post office, city, state, and zip code in the upper left front corner of the envelope/package. (NOTE: Pre-printed return address labels will be prohibited.) If improperly marked or if the envelope/package has been addressed using letters that are written up-side-down, sideways, etc., or have any markings/drawings on the envelope; the envelope/package will be returned to the inmate. All outgoing general mail will be sent to the mailroom unsealed for inspection.

14.2 Every effort will be made to process all outgoing institutional inmate mail within 48 hours of receipt (excluding weekends, holidays and emergencies). SCDC reserves the right to hold outgoing legal or privileged mail for up to 48 hours (excluding weekends and holidays) to verify the legitimacy of legal or privileged mail.

15. SPECIAL POSTAL SERVICES: Special postal services, such as private carriers, insured mail, express mail, etc. will not be provided for outgoing inmate mail. All outgoing inmate mail will be processed through the institutional mailroom. Inmates will be permitted to utilize SCDC's interdepartmental mailing system for correspondence addressed to employees of the Agency if it is business related.

16. RESTRICTED MAIL: Anyone may submit a signed written request to the Office of General Counsel or the Division Director of Victim Services asking that a specific inmate be restricted from sending correspondence to him/her. (Other Agency personnel who receive such a request should forward that request to the Division Director of Victim Services, or to the Institutional Mailroom Coordinator.) The Division Director/Designee will:

16.1 Notify the Warden of the respective institution to inform the inmate that s/he will be prohibited from sending any more correspondence to that individual. If correspondence does not cease, disciplinary action may be taken pursuant to SCDC Policy OP-22.14, "Inmate Disciplinary System."

16.2 Ensure that an entry is made into the Negative Inmate Mailing List Program (SCDC OMS Program [NEGMAIL] identifying all inmates with restricted correspondence). Institutional mailroom staff will check this list daily to ensure compliance with restrictions.

17. DISCLAIMER/DATE STAMP ON OUTGOING MAIL: All general and certified outgoing correspondence (provided it is not legal/privileged) will be stamped by mailroom staff with the following disclaimer:

"THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY FOR ITS CONTENTS - INSTITUTIONAL NAME, S.C. DEPARTMENT OF CORRECTIONS."

Legal and privileged outgoing inmate mail will be stamped with the following disclaimer:

"THE DEPARTMENT OF CORRECTIONS HAS NOT INSPECTED OR CENSORED THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY FOR ITS CONTENTS - INSTITUTIONAL NAME, S.C. DEPARTMENT OF CORRECTIONS." After compliance with this policy, mailroom staff will also date-stamp all outgoing legal, privileged, and certified mail.

18. INMATES CORRESPONDING WITH ONE ANOTHER, INSIDE AND OUTSIDE SOUTH CAROLINA:

18.1 Inmates will not be permitted to correspond (receive or send) with other inmates, including residents of SCDMH sexual predator program, regardless of their location, except under the following circumstances:

18.1.1 The inmates are immediate family members. Proof of this relationship will be required. (NOTE: The inmate's relative screen may be used to confirm the relationship; however, if the screen does not confirm the relationship, the requesting inmate will be required to prove the relationship in some other manner.)

18.1.2 The inmates are in a joint legal action and the correspondence is related to the legal action only. Proof of pending litigation is incumbent upon the inmates. The correspondence will be closely monitored to ensure conformity. Proof that the inmates are corresponding or attempting to correspond on issues unrelated to the legal action will cause this privilege to be terminated. (NOTE: The Deputy Director of Operations/General Counsel may disapprove correspondence between inmates who are co-defendants as a result of a charge that happened while the inmates were incarcerated. Such disapproval will be based on security concerns.) This correspondence is not considered legal or privileged mail.

18.2 The inmate who meets one (1) of the criteria above and wants to initiate correspondence with another inmate will:

18.2.1 Provide a written request using SCDC Form 19-11, "Request to a Staff Member," to his/her Warden, indicating the other inmate's name, inmate number (if known), and complete address;

18.2.2 Indicate the relationship of the other inmate or if the inmate is in a joint legal action; and

18.2.3 Provide proof that this type of correspondence is authorized per these procedures.

18.3 Both affected Wardens must provide written approval for the inmates to correspond with one another. Each Warden/Designee will provide an alphabetized list of inmates, in his/her institution, who are approved to correspond with one another identifying the other inmate correspondent(s) and institutional location(s) to the Postal Director/Designee. Intake R&E inmates must wait until they are at their designated institution to make this request.

18.3.1 Approval for correspondence will terminate upon transfer of one (1), or both of the inmates to another facility. Wardens will apply the same criteria as outlined above for re-establishing correspondence privileges.

18.4 When the mailroom staff discovers unapproved/unauthorized inmate correspondence (including third party correspondence), SCDC Form 10-7 will be completed. In addition to the normal distribution of the 10-7, a copy will be sent to the Contraband Control Officer with the correspondence attached. Inmates violating this restriction in any way may be charged pursuant to SCDC Policy OP-22.14.

18.5 Approved indigent inmate to inmate correspondence will be submitted to the Mailroom as regular outgoing mail. Mailroom employees will forward correspondence within SCDC to the appropriate institution through the SCDC inter-departmental mail system. Mail outside SCDC will be sent through U. S. Postal Service.

19. CORRESPONDENCE REVIEW COMMITTEE:

19.1 The Postal Director/Designee will be responsible for withholding and forwarding to the Correspondence Review Committee (CRC), any incoming/outgoing questionable correspondence if it meets at least one (1) of the following criteria: (4-ACRS-6A-08, 4-4491)

19.1.1 Procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices;

19.1.2 Local, state, and United States maps, methods of escape from correctional facilities, or blueprints, drawings, or similar descriptions of SCDC institutions, or any other item that could be used to plan, or execute an escape from a correctional institution;

19.1.3 Procedures for the brewing of alcoholic beverages or the manufacture of drugs, poisons, intoxicants, corrosives, or other toxic or illegal substances;

19.1.4 Materials that advocate racial, religious, or national hatred in such a way that could lead to the risk of physical violence or group disruption;

19.1.5 Encouragement or instruction in the commission of criminal activity;

19.1.6 Sexually explicit material, publications, or material that features nudity which by its nature or content poses a threat to the security, good order, or discipline of the institution, or which facilitates criminal activity. Sexually explicit material includes, but is not limited to actual or simulated homosexuality, sadomasochism, masochism, bondage, bestiality and sexual activities involving children. It also includes pictorial depictions of actual or simulated sexual acts including sexual intercourse, oral/anal sex, or masturbation; or excretion in the context of sexual activity; or lewd exhibitions of uncovered genitals in the context of masturbation or other sexual activity. (Note: "Features" as used in this paragraph means the publication contains depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. "Nudity" as used in this paragraph and 19.1.7, below means a state of undress so as to expose the human male or female genitals, pubic area, or buttocks to include the exposure with sheer or see-through covering or the showing of the female breast to include exposure with sheer or see-through covering. This prohibition shall not apply to patently medical, artistic, anthropological, or educational commercial publications, including, but not limited to National Geographic, works of art displayed in public galleries, anatomy texts, or comparable materials.)

19.1.7 Nude or sexually suggestive photographs (individual prints or copies as opposed to those from publications). These present a special concern for personal safety, security, and good order. This is particularly true when the subject is an inmate's relative, friend, or acquaintance. For these reasons, an inmate shall not be permitted to receive through the mail a personal photograph or copy of a photograph in which the subject is nude, displays genitalia, buttocks, or female breasts, or when the photo is deemed to be sexually explicit material as defined in 19.1.6 above.

19.1.8 Material/information (personal, private, confidential) that pertains to employee(s), volunteer(s), witness(es) that may pose a threat or disruption to an institution, SCDC staff, volunteers, inmates, or citizens.

19.1.9 Crime Scene Photos.

- Legal materials containing crime scene and/or autopsy photos will be reviewed through the CRC process. Any crime scene photos and/or autopsy photos will be separated from the rest of the the legal material by the CRC and denoted as such. The package of legal material will than be sent to the institution to the attention of the Warden. NOTE: If legal mail, the correspondence should not be read by anyone other then CRC personnel.
- Upon arrival at the institution, the Warden will ensure that the denoted material is removed from the package and secured in such a way as to ensure confidentiality (i.e. Property Control, Warden's safe, etc.). NOTE: The material should not be maintained in the inmate's record. The Warden will ensure that a process is in place that allows the inmate to request access to the material. NOTE: The inmate should review the material in a controlled environment and it should be returned intact.
- If the inmate is transferred to another institution, the material will be secured with the inmate's property and transferred with the inmate. It should be clearly marked so that the receiving institution can act accordingly.

- If the inmate is released/paroled, the material should be given to the inmate.

19.2 The Postal Director/Designee will advise the inmate within 72 hours (excluding weekends and holidays) the reason for withholding the mail, using the SCDC poster, "Notice to Subscribers" which will be posted in each living area by the Postal Director/Designee. (4-ACRS-6A-08,4-4491)

19.3 The Postal Director/Designee will forward the correspondence in the original cover/wrapping as received, along with SCDC Form 10-6, to the CRC.

19.4 Upon receipt, the CRC will have 60 working days to review the correspondence.

19.5 If the mail is rejected by the CRC, the inmate will be notified in writing on the SCDC Form 10-6. If it is incoming, the entire contents of the correspondence will be returned to the sender or mailed home at the inmate's expense using SCDC Form 10-14, "Agreement to Debit E.H. Cooper Account," or the inmate may choose to provide written permission to the mailroom within ten (10) days of receipt of the 10-6 for the correspondence to be processed pursuant to SCDC Policies OP-22.03, "Authorized Inmate Property," and OP-22.35, "Contraband Control." If the mail is to be returned to the sender and the inmate does not have funds available, the correspondence will be held for 30 days until funds are provided. If funds are not provided, the correspondence will be disposed of pursuant to SCDC Policy OP-22.03. If the mail is outgoing, it will be processed as appropriate and the inmate may be charged pursuant to SCDC Policy OP-22.14, "Inmate Disciplinary System." Inmates may appeal the decision of the CRC within 15 days of notification of the decision to reject the correspondence pursuant to SCDC Policy GA-01.12, "Inmate Grievance System." (NOTE: Any disapproved books and/or publications can not be donated to the institutional library and must be returned.)

19.5.1 If STG/Gang correspondence is rejected by the CRC, the inmate will be notified in writing on SCDC Form 10.6 and with a written memorandum from the Special Investigation Unit (SIU). The entire incoming or outgoing contents (letters, photographs or newsletters) will be maintained by SIU for further investigation. All magazines/books will be sent back to the institution as disapproved and processed accordingly. Inmates may appeal the decision of the CRC/SIU within 15 days of notification of the decision to reject the correspondence pursuant to SCDC Policy GA-01.12, "Inmate Grievance System."

19.6 If the CRC approves the mail for disposition, the mail will be returned to the mailroom for handling. If the mail is incoming, it will be delivered to the inmate. Outgoing mail will be sent out and the inmate will be notified.

19.7 The CRC will maintain a previously disapproved list of publications. This list will be for CRC use only, and will be maintained by the Office of General Counsel. All other documentation related to the CRC reviews will be maintained for five (5) years.

20. WEB SITE PEN PAL SOLICITATIONS:

20.1 Inmates shall not use correspondence privileges to solicit or otherwise commercially advertise for money, goods, or services. For the purposes of this rule this includes advertising for pen pals; inmates are

not prohibited from corresponding with pen pals, but shall not place ads soliciting pen pals. Inmates who post ads or have ads posted with the assistance of another person shall be subject to disciplinary action. If an inmate alleges that an ad was posted without his/her assistance or permission or that the ad was placed before the restriction on soliciting pen pals became effective, it is the responsibility of the inmate to request that the ad be removed by submitting a written request to the owner, operator, or administrator of the forum in which the ad is located if it is reasonably possible for the SCDC to identify the physical address of such entity. No inmate shall be subject to discipline if the ad is not removed subsequent to submission of the written request. If it is not reasonably possible for the SCDC to identify the physical address of the owner, operator, or administrator of the forum in which the ad is located, the inmate must submit a SCDC Form 19-11, "Request to a Staff Member," to the warden indicating that the ad was placed without the inmate's knowledge or consent or that it was placed prior to the restriction on solicitation of pen pals. The inmate shall be subject to disciplinary action only if it is discovered that the inmate solicited the ad and that it was placed subsequent to the restriction on solicitation of pen pals.

21. SCDC MEDICAL RECORDS (HEALTH INFORMATION RESOURCES):

21.1 General population inmates will be notified on SCDC Form 19-45, "Order to Report," when medical records from Health Information Resources (HIR) have been received. The SCDC Form 19-45 will be delivered to the inmate at the same time the general mail is delivered to the unit, but no later than 48 hours after receipt of the mail at the institution (excluding weekends, holidays and emergencies). (NOTE: The Postal Director/Designee will keep one [1] copy of the 19-45 form with the incoming medical records from the HIR until the inmate comes to the mailroom to pick up his/her mail.)

- Upon reporting to the mailroom and accepting his/her mail, the inmate will sign SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," acknowledging the mail was inspected in his/her presence before he/she received it.
- If the mail is unclaimed after five (5) working days and if the inmate is still at the institution, a second 19-45 form will be sent to the inmate. If still unclaimed after five (5) working days of the second 19-45 form, the mail will be marked "Unclaimed-Return to Sender" and it will be mailed back to the HIR. The inmate's failure to report to the mailroom to claim his/her mail will be documented on the SCDC Form 10-12, in the inmate's signature block as "Unclaimed-Return to Sender, and it will be signed by the Postal Director/Designee.

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21.2 SMU, MSU, R&E, Death Row, Safekeeper, and YOIP inmates' medical records from HIR will be delivered by the Postal Director/Designee, and the inmate will be required to sign the SCDC Form 10-12, acknowledging the mail was inspected in his/her presence before he/she received it. (NOTE: Should a staff member encounter any behavioral problems with the inmate assigned to MSU, refer to SCDC Policy OP-22.11, "Maximum Security Unit (MSU)" for additional information.

22. DEFINITIONS:

Attorney: An attorney at law licensed to practice in any state or federal jurisdiction who has been retained by the offender or has been appointed to represent the offender as evidenced by a court record, court order, or by the attorney's written authorization. Also included are attorneys representing SCDC or SCDC employees in legal actions initiated by the inmate. The burden is on the inmate to provide the required supporting documentation.

Attorneys Authorized Representative: Refers to paralegals, law students, investigators, and other assistants to counsel. All agents shall identify themselves by providing a letter from their supervising attorney on the attorney's letterhead, specifically stating the agent presenting the identification is representing the attorney in the case of the offender.

Correspondence/Mail: Refers to any incoming or outgoing letters, packages, publications, or any other items sent through the institutional mailroom to or from an inmate of the South Carolina Department of Corrections.

Correspondence Review Committee (CRC): Refers to a committee chaired by a representative from the Office of General Counsel, in consultation with a representative selected by the Deputy Director of Programs and Services and a representative from the Division of Operations. The CRC is responsible for reviewing and making decisions regarding the rejection or approval of questionable incoming and outgoing correspondence.

First Class Mail: Refers to mail that is either letter size with first class postage or larger mail marked as "first class mail." Mail that is not first class will generally be marked as something else, for example: "Bulk," "Pre-Sorted," "Standard A," etc.

General Mail: Refers to all mail other than that defined as "privileged" or "legal" mail. (4-ACRS-7F-03, 4-4279)

Immediate Family Member: Refers to an inmate's mother, father, children (to include adopted), sisters, brothers, grandmothers, grandfathers, wife, husband, common-law spouse, grandchildren, stepbrothers, stepsisters, stepparents, foster parents, stepchildren, step grandchildren, half-brothers, and half-sisters.

Indigent Inmate: Refers to an inmate whose E.H. Cooper account's balance and/or deposits for a 30 day period has not exceeded \$6.42.

Inspection: Refers to the opening of inmate mail for the purpose of determining whether unauthorized items are enclosed. Inspection includes screening tools, such as x-ray scanners, metal detectors, Ion scanners, etc. Inspection does not include the reading/scanning of an inmate's mail.

Legal Aid Society: An organization formed to assist persons who have limited or no financial means but need legal help, usually sponsored by the local bar association's donation, sometimes with some local government support. Such societies examine the assets and income of the applicant, decide if the person has a legitimate need for legal services, give counseling, provide mediation, prepare simple documents, and if

absolutely necessary, give free legal assistance from a panel of volunteer attorneys. They do not usually provide assistance in criminal cases because indigent defendants are constitutionally entitled to representation by a public defender or appointed private counsel paid by the government. Some societies provide referral services to help a person find a suitable attorney, but normally referral is made by the local bar association. NOTE: The list of currently approved legal aid societies include Low Country Legal Aid, Inc.; Protection and Advocacy for People with Disabilities; South Carolina Appleseed Legal Justice Center; South Carolina Centers for Equal Justice, South Carolina Chapter of the American Civil Liberties Union (ACLU). Questions about whether a particular organization qualifies as a "legal aid society" shall be referred to the Office of General Counsel.

Legal Mail: Refers to mail sent out to, or received from, officials of federal, state, and local courts, attorneys, court clerks, judges, legal aid societies attorney's authorized representatives, the S.C. Attorney General, the U.S. Attorney General, and SCDC Office of General Counsel.

Privileged Mail: Refers to mail sent to, or received from, law enforcement officials; federal officials (President, Vice-President, members of Congress, etc.); state officials (Governor, Lieutenant Governor, members of the General Assembly, etc.); officials of the SCDC at the level of Warden or higher (to include the Agency Director and Members of the Director's staff [e.g., Deputy Directors, General Counsel, and Inspector General]); South Carolina Department of Probation, Parole and Pardon (SCDPPP); and correspondence addressed to/from diplomatic representatives of an inmate's country if the inmate is a foreign national. (NOTE: This includes SCDC medical records sent from Health Information Resources (HIR) (4-4280, 4-4492)

Publication refers to any printed communications such as newspapers, magazines, newsletters, books, paperbacks, brochures, periodicals, technical manuals, catalogs, and/or pamphlets which can be subscribed to, ordered, or otherwise received direct from an approved source (e.g., publisher, bookstore, etc.).

Reading/Scanning refers to the reading of inmate mail (either the entire contents or the scanning of sections in the correspondence).

SIGNATURE ON FILE

—

s/William R. Byars, Jr., Director ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF
POLICY DEVELOPMENT.